

**Amendment No. 4 to SB0113**

**Kyle  
Signature of Sponsor**

**AMEND Senate Bill No. 113**

**House Bill No. 130\***

by deleting the directory language of Section 1 of the bill as amended that reads as follows:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 6, known as the Education Professional Negotiations Act, is amended by deleting the part in its entirety and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following language as new part 11:

AND FURTHER AMEND by deleting the word "shall" in the first sentence of Section 49-5-604(a)(1) of the amendatory language of Section 1 of the bill as amended and by substituting instead the word "may".

AND FURTHER AMEND by deleting in its entirety Section 49-5-604(c)(1)(B) of the amendatory language of Section 1 of the bill as amended and by substituting instead the following language:

(B) If a local board of education by September 15, 2011, chooses to develop and adopt an initial professional employee manual, as provided in subdivisions (c)(2) through (4), then such manual shall be developed no later than April 17, 2012.

AND FURTHER AMEND by deleting the following sentence from Section 49-5-604(c)(2) of the amendatory language of Section 1 of the bill as amended:

A local board of education shall promulgate a professional employee manual taking into full consideration input received from professional employees, parents, other education stakeholders, and otherwise interested members of the general public.

and by substituting instead the following language:

If a local board of education promulgates a professional employee manual, it shall take into full consideration input received from professional employees, parents, other education stakeholders, and otherwise interested members of the general public.

AND FURTHER AMEND by deleting in its entirety subsection (a) of Section 49-5-605 of the amendatory language of Section 1 of the bill as amended and by substituting instead the following:

(a) On or after the date on which a local board of education decides by a majority vote of its members to adopt a professional employee manual, such local board of education shall not engage in mandatory collective bargaining with a professional employees' organization or teachers' union concerning the terms or conditions of professional service.

AND FURTHER AMEND by adding the following new amendatory section at the beginning of the amendatory language of Section 1 of the bill as amended and by renumbering subsequent amendatory sections of Section 1 appropriately as sections in new part 11:

**49-5-1101.**

(a) A local board of education shall before September 15, 2011, by a majority vote of its members decide whether it will adopt a professional employee manual pursuant to this part. If a local board of education decides to adopt a professional employee manual, then this part shall apply to the local education agency. If a local board decides not to adopt a professional employee manual, then this part shall not apply to the local education agency. A local board that decides not to adopt a professional employee manual may engage in collective bargaining under part 6 of this chapter, if a professional employees' organization is recognized to represent its professional employees.

(b) If a local board of education adopts a professional employee manual, then, every three (3) years when it is required under § 49-5-1105(a)(2) to review the professional employee manual for revisions, the local board of education, at least forty-five (45) days prior to any revision being considered, shall decide by a

vote of its members whether to revise the manual or to repeal the manual and not adopt a new manual. If by a majority vote the board decides to repeal the manual and not adopt a new manual, then this part shall no longer be applicable to such local education agency.

(c) If a local board of education has voted not to adopt a professional employee manual whether at the initial vote before September 15, 2011, or at a later date, then three (3) years from the date of any such vote the local board of education shall again decide by majority vote whether it will come under this part by adopting a professional employee manual for use during the next (3) years.

AND FURTHER AMEND by deleting in its entirety Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 5-23-107(1), is amended by deleting the language "resolution or negotiated agreement pursuant to title 49, chapter 5, part 6" and by substituting instead the language "resolution, negotiated agreement pursuant to title 49, chapter 5, part 6 or professional employee manual adopted pursuant to § 49-5-1105".

AND FURTHER AMEND by deleting in its entirety Section 6 of the bill as amended and by substituting instead the following:

SECTION 6. Tennessee Code Annotated, Section 49-2-203(a)(6), is amended by designating the existing language as subdivision (A) and by adding the following language as new subdivision (B):

(B) Except as otherwise provided in this title, if the local board of education has adopted a professional employee manual under chapter 5, part 11 of this title, establish policies relative to the dismissal of teachers, principals, supervisors and other employees by the director of schools upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense;

AND FURTHER AMEND by deleting the language "49-2-203(a)" in the directory language of Section 7 of the bill as amended and by substituting instead the language "49-2-203(b)".

AND FURTHER AMEND by deleting in its entirety Section 9 of the bill as amended and by substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 49-3-306(h), is amended by adding after the language "and in compliance with § 49-5-611" the language ", if applicable,".

AND FURTHER AMEND by deleting Sections 3, 4, 5, 8, 10, 11 and 12 of the bill as amended in their entireties and by renumbering the remaining sections accordingly.